

NORTHWESTERN HAWAIIAN ISLANDS  
CORAL REEF ECOSYSTEM RESERVE ADVISORY COUNCIL MEETING  
October 16-17, 2003  
Waikiki Beach Marriott Resort  
Honolulu, O'ahu  
Meeting Notes

Day One

ATTENDEES [Advisory Council Members]. Paul Achitoff (Conservation); Louis "Buzzy" Agard, Jr. (Native Hawaiian); William Aila (Native Hawaiian); Rick Hoo for Rick Gaffney (Recreational Fishing); Bill Gilmartin (Research); Bobby Gomes (Commercial Fishing); Gail Grabowsky (Education); Tim Johns (State of Hawai'i); Alan Everson for Alvin Katekaru (Pacific Islands Regional Office); Don Palawski for Jerry Leinecke (U. S. Fish and Wildlife Service); Kem Lowry (Citizen-at-Large); Lloyd Lowry (Marine Mammal Commission); Naomi McIntosh (Hawai'i Islands Humpback Whale National Marine Sanctuary); John Muraoka (Department of Defense); Linda Paul (Conservation); Don Schug (Research); Kitty Simonds (Western Pacific Regional Fishery Management Council); Robert Smith, (NWHI Reserve); Laura Thompson (Conservation); Birgit Winning, (Ocean-Related Tourism). *Excused*: Cindy Hunter (Research); Dwight Mathers, (Coast Guard). *Absent*: Ray Arnaudo (Department of State); Phillip Taylor (National Science Foundation).

[Alternate Council Members (not representing voting members)]: Isabella Abbott (Native Hawaiian); Athline Clark (State of Hawai'i); Kitty Courtney (Research); Jarad Makaiau and Roy Morioka (WPRFMC); Carol Wilcox (Conservation); Matthew Zimmerman (Ocean-Related Tourism).

[NWHI CRER Staff]: Andy Collins; 'Aulani Wilhelm; Emily Fielding; Hans Van Tilburg; Moani Pai; Mokihana Oliveira; Randy Kosaki; Sean Corson; Tommy Friel (NOAA Enforcement). [NOAA Staff]: Edward Lindelof; Keeley Belva; Susan Bevacqua.

[Members of the Public]: Isaac Harp ('Ilio'ulaokalani); Jan Bappe; Stephanie Fried (Environmental Defense); Dave Raney (Sierra Club); Cha Smith (KAHEA); Jessica Hamilton (The Ocean Conservancy); Seth Miller, Justin Fujimoto, Casey Carothers, Leni Knigh, William Sam Smith, Lee Lopez, Amanda Nananget (Chaminade University Students).

I. CALL TO ORDER

Robert Smith convened the meeting at 9:25 a.m. and the first order of business was an opening pule by William Aila. R. Smith explained that the meeting would serve as an orientation to new Council members and prefaced the business meeting by showing the film, "In the Wake of Canoes". This was followed by introductions. Three former Reserve Advisory Council (RAC) members who have completed their terms of office, Isaac Harp, Dave Raney, and Stephanie Fried, were introduced and duly acknowledged for their service to the Council. Current RAC members, alternates, members of the public and staff were then introduced. An explanation of available reference handouts was given after which a 15-minute break was called. The meeting resumed at 10:30 a.m.

## II. BACKGROUND AND HISTORY OF THE RESERVE AND THE RAC

R. Smith presented an historical overview of the Northwestern Hawaiian Islands (NWHI). Starting in the 1990's, coral reefs were featured as a national environmental platform. Milestones in this platform included the Executive Order on Marine Protected Areas enacted in May 2000, resulting in "visioning" sessions for the NWHI in the summer of 2000 in Hawai'i and Washington, D.C. In November of 2000, the National Marine Sanctuaries Amendments Act (NMSAA) gave the President authority to create the NWHI Coral Reef Ecosystem Reserve (CRER) (Reserve), and mandated that the National Oceanic and Atmospheric Administration (NOAA) initiate the designation of the Reserve as a National Marine Sanctuary and in doing so, supplement or complement the existing Reserve. In December 2000 and January 2001, Executive Orders (EOs) 13178 and 13196, respectively, established the Reserve to ensure comprehensive, strong and lasting protection of the coral reef ecosystem and related marine resources and species of the NWHI. The EOs set forth management principles to manage the Reserve and provided for the development of a Reserve Operations Plan (ROP) in consultation with the Secretary of the Interior and Governor of Hawai'i and considering the advice and recommendations of the RAC. ROP priority issues, action plans and strategies, as well as the RAC emphasis in the ROP were explained.

The overview also included a description of the area of the Reserve including its geography, biology, cultural history, maritime archaeology and a description of its fisheries. Also cited were the RAC objectives and roles from the EOs, additional RAC advice requested by the National Ocean Service (NOS), as well as the RAC Charter. The National Marine Sanctuary Program's (NMSP) Sanctuary Advisory Council Implementation Handbook was briefly cited as a procedural guideline for advisory councils that augment council charters. The presentation included RAC meetings held to date, a description of the RAC organization and duties of officers, election of officers, and terms of office. The presentation ended with a proposed 2004 meeting schedule.

Questions from the floor regarding the ROP were entertained. Tim Johns inquired on the status of the ROP, and asked if there was a need to have a RAC meeting in November following official clearance by NMSP Headquarters (HQ). R. Smith responded that the June 25, 2003, version that was reviewed by the RAC is currently pending final review, and stated that the RAC will be kept informed on the completion of the review of the ROP. As with the past ROP draft, a RAC meeting will be held to coincide with a 30-day public comment period. Raney asked if there was a way of tracking revisions that are made before the RAC makes a decision. R. Smith noted that as there is sensitivity in tracking changes and attributing them to individuals, hopefully it would not be a version containing those kinds of changes. Council members were urged to review the materials on the website regarding the interpretation of the EOs and the designation process.

R. Smith elaborated on what it has meant to him to be working on this project prefacing his remarks on his background of 25 years of public service primarily on issues of controversy and the decline of global resources, starting with his college years, and noted

that the challenges and processes of the NWHI conservation project is by far his most difficult.

A lunch break was called at 12:00 noon. The Council reassembled at 1:40 p.m.

### III. RAC ORIENTATION

R. Smith and Moani Pai gave presentations covering RAC purposes and tasks; roles and duties of RAC Officers; differences between working groups and subcommittees; format of advice and recommendations given to the Reserve from the RAC; review of RAC provisions in the EOs and the RAC Charter; review of the NMSP guidelines and policies regarding the role of advisory councils and related policies and procedures, and the RAC meetings that have been held to date. (See Binder Tab 3). Also discussed were the roles of the Reserve staff relative to the RAC and the budget process.

R. Smith explained that all of the current officers have served longer than their elected terms, and that there is a need to get back on track and have elections and membership terms according to the charter. It was also noted that the charter does not allow travel reimbursements for subcommittees.

### IV. EXPLANATION OF RAC OFFICER NOMINATIONS & ELECTION PROCESS

‘Aulani Wilhelm then briefed the Council on the RAC officer nominations and election process, stating that nominations are scheduled to be taken at 4:00 p.m. at the following day’s meeting. Nominations may be made at that time or may also be made in writing and submitted before then. Wilhelm noted situations where nominees may prefer not to serve and therefore need to state their acceptance. Election ballots will be mailed out to members. Included with the ballots will be statements by nominees as to why they consider themselves qualified to serve and citing their leadership qualities. Ballots need to be returned to the Reserve office by November 17<sup>th</sup> by mail.

Regarding the budget process, R. Smith explained that Congress has released \$743,948 of FY03 funds, stating that allocations are not known until very late in the fiscal year. Congress has not decided on the amount of funding as yet for FY04. R. Smith noted that the Council could be provided a record of how dollars were spent in FY 2003. He stated that the budget that will appear in the ROP is a guideline for spending..

R. Smith called a 15-minute break. The meeting resumed at 2:30 p.m.

### V. PUBLIC COMMENT

R. Smith recognized the following persons who signed up to provide comment during this public comment section: Isaac Harp (former RAC Member and a representative of ‘Ilio’ulaokalani); Louis “Buzzy” Agard, Jr. (Native Hawaiian Representative); Gail Grabowsky (Education Representative); Stephanie Fried (Environmental Defense); Dave Raney (former RAC Member, volunteer with the Sierra Club, representative on the U. S. Coral Reef Task Force); Cha Smith (KAHEA); and Jessica Hamilton (The Ocean Conservancy). Summarized comments follow:

Harp stated that the goals of the EO are to protect the NWHI in its natural character and to maintain balance, stating that the EO is the bible and that is what the RAC should be working with. He stated that as a former RAC member he didn't do a good job in informing his constituencies. As a person who drafted the management plan that led to a designation focus, his primary objective was to make sure the Reserve is in place before it is designated a sanctuary, and that in order to do this an enforcement schedule is necessary. He noted that a federal register notice was sent out yesterday and the deadline had passed. He stated that it would really be appreciated if former RAC members could be kept up-to-date. He apologized to staff that he couldn't agree with policy. R. Smith noted that later in the day there would be a presentation on a communications plan that will make the flow of information more easily available.

Raney's comments were included in a handout that he distributed to RAC members. He alerted the RAC to what he considers to be key issues regarding the implementation of the Reserve and the possibility of a sanctuary designation, and urged the RAC to continue using working groups, which would allow the participation of non-RAC members as the RAC proceeds through the sanctuary designation process.

Fried cited a number of meetings that generated 22,000 public comments and over 52,000 letters calling for protection of the NWHI. She reiterated Raney's suggestion to continue using working groups, and noted that when the ROP comes out the working group on regulations can go over it. Other issues of concern included the development of fishing regulations, enforcement regulations, federal register news, and fishing caps. She noted that in the EO you couldn't take more than you're taking, and there is a huge increase. She also stated that someone requested that she ask, "Who wrote the Charter?" R. Smith responded that as a matter of record the Charter was signed by Dan Basta of the NMSP in December of 2001, but did not know who wrote it. He added that the charter amendment process is one the RAC can take up at any time.

Hamilton commented that this is a very controversial situation, and that she is looking forward to working with the RAC. She stated that the Ocean Conservancy has 900,000 members and volunteers throughout the world, working on protecting marine wildlife, ecosystem protection, clean ocean, and reducing pollution. She noted that these program areas come to a head with the work the RAC is doing.

C. Smith welcomed the new members and thanked those who ably served on the RAC and those that are continuing to serve, adding that all have done a formidable job. As a member of the public she appealed to the RAC to move forward with the use of working groups as she felt it would ensure strong representation of a broader base of support.

## VI. NWHI RESERVE WEBSITE/NEW COMMUNICATIONS STRUCTURE FOR THE RAC

Andy Collins made a presentation on the upgrade of the NWHICRER website to streamline the flow of information. This program has been submitted to the NMSP and approval is expected within a week. This is a list serve designed to make final documents available to the RAC such as reports, letters of correspondence, brochures or flyers, legal

documents and meeting minutes. The objective is to plan these materials so RAC members may exercise an option to access them on their own. At this point you can do it both ways. While there is some security concern in terms of specific content, there has not been an extensive editorial process as yet. It is a closed list serve where only staff will be posting information. The proposal is two-fold: first, to have a general information system that is triggered by the NWHICRER website where anyone can subscribe to this list serve, and once done will automatically be sent updates regarding new information as it becomes available; secondly, staff would make available to those RAC members who would like to have it in hard copy form, information that is available on the web.

Carol Wilcox encouraged paper conservation in this process and suggested a second list serve via emails. Raney expressed trouble in getting electronic forms of RAC letters, such as letters that go out on Tim John's signature. R. Smith noted this would not include hard copy documents not otherwise available electronically. Linda Paul asked if information could be printed on compact discs and notices of new documents available at the website could be issued. Collins responded in the affirmative noting that as they become available between RAC meetings staff would be able to handle that. Don Schug asked about an administrative record of council resolutions posted by meeting. Pai stated that in terms of operations, in the beginning they were done by resolution and forwarded. This has evolved into the creation of letters. Naomi McIntosh noted that what the Hawai'i Islands Humpback Whale National Marine Sanctuary (HIHWNMS) does is when the chair has an action item report and reports on this during the meeting, if the council votes on a resolution to be drafted, the follow-up is attached to the minutes, and is provided with the minutes for the next meeting. Signed resolutions are attached to the minutes. R. Smith stated that staff would follow up on having resolutions available on the web.

Pai also explained that only the first three tabs of the current binder of materials distributed to each RAC member are being used. The remaining tabs will be used for successive meetings.

R. Smith stated that now that the RAC has received an orientation to a new communications plan, and that the charter may be amended, staff is interested in how better to serve the Council. While it is a fairly limited staff, R. Smith stated that he would like to hear from the RAC as to how best to suit its needs in the future, and how staff may do a better job for the RAC.

Gail Grabroskwy asked if there is a protocol to follow if there is something to see, as she did not want to miss seeing things. R. Smith stated that the website, as part of the communications plan, should resolve various information requests.

Pai indicated that her protocol for requests that are referred directly to her is to get clearance before any action is taken. This would be items concerning the charter, structure and operations. Don Palawski noted that he reviews what is sent to the FWS and does his best to provide answers.

Paul asked that given the two-year tenure of the Council, what can it do to make this process work efficiently? R. Smith stated that this is a deep thought discussion, and that it is distressful when persons who are on the Council or in the public believe that practices have seemed unfair. The web communications plan provides a process that is transparent and fair. The ROP has been done and now a sanctuary plan needs to be done. We are looking for a way to work efficiently with the RAC.

Bill Gilmartin noted that in terms of travel, concurrent regular and working group meetings are difficult. Separate meeting times should be allowed. McIntosh noted that another meeting mechanism is video conferencing using the State's facility, and also mentioned that a drawback to video conferencing is that while persons who are speaking are visible, it is difficult to gauge reaction.

Wilhelm indicated that to be helpful to first consider the annual schedule for the RAC, to block out two days. Build in subcommittee working groups to streamline and maximize action, and facilitate fast tracking by staff. Another mechanism is to develop executive subcommittees, which would include the officers plus the chairs of working groups and standing subcommittees. This would not require the 25-member body but seven or eight to be able to work on projects. This would represent a RAC delegate to that subcommittee. Task focused working groups would include members outside of this body. One thing to also ask when working groups is what are the purposes that establishes that working group, and when do we know when that working group is over so that a communications system can be established.

## VII. PROPOSED SCHEDULE FOR UPCOMING RAC MEETINGS

The proposed 2004 RAC Meeting Schedule as previously shown and distributed, the first being January 21-22, 2004, was discussed. Birgit Winning asked what key events tie in to these dates. Wilhelm stated that January will include the review of subcommittee deliberations and in March, the draft management plan process. Paul Achitoff noted that in February the three-year terms of the current RAC members will expire. Wilhelm noted that continuity is needed. Aila stated that changing the charter for the RAC subcommittees, which must be made up of RAC members, should include more public participation. McIntosh noted that for the SAC it wasn't something they allowed. Subcommittees are members of the SAC. In terms of working groups, when the committees feel they needed more information, that task is given to the working group.

Paul stated that in terms of creating a management plan, it was necessary to switch to issues based. They were called working groups last time, but since we are switching over the next go-around, they should be different in terms of their make-up.

Wilhelm stated that working groups changed a little as a huge part of the work has been done. What is desired is a leadership process that engages executive committees. Johns asked, "Why does a body like ours need a body of standing committees? We only meet periodically and in the interim have created committees." Wilhelm stated that staff wanted to give groups flexibility to bring the questions back to the Council. There was a need to get the public involved in getting decisions to the Council, as the staff was too

small. The model that was chosen, of working groups within a committee within the Council, was a way to put all of that together. Wilhelm stated that staff wants Council members to be involved, to rely on staff, and for the public to rely on Council members to have leadership roles.

At 4:15 p.m., Hans Van Tilburg reported on his recent trip to Kure. Van Tilburg noted the historically important example of resources in the NWHI including those in the maritime heritage field. He reported on his recent discovery of artifacts from a 19<sup>th</sup> century Navy warship, the U.S.S. SAGINAW. Aila asked what happens to the artifacts, to which Van Tilburg responded that it is a non-disturbance survey and that there is a need to know what it is and what is going to be done with it. He also noted that a new office in NOAA, whose policy is not to release location, affords this work. He stated that there were at least two fishing boats on the island.

#### VIII. ADJOURNMENT

The meeting of Day 1 of the two-day meeting was adjourned at 5:00 p.m.

October 17, 2003

Day 2

ATTENDEES: [Advisory Council Members] Paul Achitoff (Conservation); Louis “Buzzy” Agard, Jr., (Native Hawaiian); William Aila (Native Hawaiian); Rick Hoo for Gaffney, Rick (Recreational Fishing); Bill Gilmartin (Research); Bobby Gomes (Commercial Fishing); Gail Grabowsky (Education); Cindy Hunter (Research); Tim Johns (State of Hawai’i); Alan Everson for Alvin Katekaru (Pacific Islands Regional Office); Don Palawski for Leinecke, Jerry (U. S. Fish and Wildlife Service); Kem Lowry (Citizen-at-Large); Lloyd Lowry (Marine Mammal Commission); Naomi McIntosh (Hawaii Islands Humpback Whale National Marine Sanctuary); John Muraoka (Department of Defense); Linda Paul (Conservation); Don Schug (Research);, Kitty Simonds (Western Pacific Regional Fisheries Management Council); Robert Smith (NWHI Reserve); Laura Thompson, (Conservation); Birgit Wining (Ocean-Related Tourism). *Excused:* Dwight Mathers (Coast Guard). *Absent:* Ray Arnaudo (Department of State); Phillip Taylor (National Science Foundation).

[Alternate Council Members (not representing voting members)]: Athline Clark (State of Hawaii); Kitty Courtney (Research); Gary Dill (Commercial Fishing); Jarad Makaiau (WPRFMC); Carol Wilcox (Conservation); Matthew Zimmerman (Ocean-Related Tourism).

[NWHI CRER Staff]: See listing under October 16<sup>th</sup> notes.

[Members of the Public]: Bruce Blankenfeld (Polynesian Voyaging Society); Cha Smith (KAHEA); Chris Dorsek, Jessica Hamilton (The Ocean Conservancy); Greta Aeby, Troy Antonelis (DLNR/DAR); Isaac Harp (‘Ilio’ulaokalani); Marcia Hamilton, Mark Mitsuyasu (WPRFMC); Noelani Tachera (Bishop Museum); Stephanie Fried (Environmental Defense); Timm Timoney (Fisherman); Casey Carothers, Kristen Warren, Malia Kipapa, Michelle Norman, Mike Umaki, Preston Delorte and Raymond C. (Chaminade University Students).

I. CALL TO ORDER

R. Smith called the meeting to order at 8:45 a.m.

II. OLD BUSINESS

A. Reserve Updates

1. Discovery Center. Collins announced the web page on Hilo’s Mokuapapapa Discovery Center, and stated that the visitor mark has reached 10,000. Visitor responses have all been positive. The Center’s Manager, Jeffrey Kuwabara, is doing a great job in coordinating volunteers to assist with various duties at the Center. A curriculum packet with Japanese language translation is currently being prepared. The Center is open on Tuesdays through Saturdays, from 9:00 a.m. to 4:00 p.m.
2. 2003 Field Season. R. Smith stated that the full research season planned on Midway did not occur due to problems at Midway. Personnel and field supplies were shuttled to and from Kure and Midway Atoll. Randy Kosaki reported on the science workshop that was conducted in May of 2003. Its goal was to articulate information in the Reserve for the potential collaboration among partners to minimize



redundancy. Kosaki then featured a presentation on research and monitoring programs on the NOAA Ship, OSCAR SETTE, that were a collaborative effort with the Reserve and NOAA Fisheries. Also included were photos of coral bleaching found in the Midway backreef, disease in coral found at French Frigate Shoals, and a list of NOAA's Office of Ocean Exploration 2003 NWHI research subjects. Kosaki concluded his presentation with a photo of the new NOAA ship, HI'IALAKAI, and the announcement that it will be coming in 2004.

Laura Thompson stated that the Reserve's basic mandate is to not disturb the islands as much as possible, and asked who was overseeing all of this research. Kosaki stated that the Reserve did have the opportunity to review the proposals. R. Smith noted that there was a review privilege for the Ocean Exploration research. The question regarding research activities having cumulative effects is valid, and the Reserve is moving toward a permit system. He noted that the majority of the work pointed out by Kosaki did not occur in the Reserve, except for the submersible dives.

More information on coral bleaching generated the following. Agard noted that there are fewer nutrients in the NWHI than the main Hawaiian Islands. Kosaki indicated that the primary bleaching occurs near the surface, depending on nutrients that are coming from the surface. As the currents move across the slope some of these particles are passing off. In reviewing research projects, Grabowsky asked what types would be acceptable. Kosaki stated that it would be research projects and activities that generate useful products and information. R. Smith stated that as a follow up, research activities were cross walked with management principles in the Reserve.

Cindy Hunter asked what is precedence in the oversight of research in the entire area, and if the Council could request staff to provide summary information on an ongoing basis, something that may be developed in the communications plan. Johns asked about what kind of structure can be put in place, such as information that came out of the science workshop on the issue of tracking research and how to get that information to the Council. Kosaki stated that the next step is to reconvene the group to go through products that resulted from the science workshop, then develop a wish list. The Council will then be informed of the results. Kosaki then gave a description of the science workshop that was held in May of 2003. A high priority was to keep track of research activities. Kosaki is hopeful that the group will reconvene as soon as possible.

#### B. Regional Upates

Susan Bevacqua, GIS Analyst with the NMSP, stated that Allen Tom distributed a written update (see BinderTab 3) that included a brief description of his duties and current regional projects. She then provided an update on developing GIS mapping capacity with the NWHI data. Bevacqua stated that two products of work with the Reserve is to find the data that is available and create partnerships with agencies, and use that data to support projects within the Reserve. She noted that this concerns GIS projects in the Reserve and not the East Coast. R. Smith noted that so far NOAA has

not produced any maps, and includes all except Pearl and Hermes atolls and that the question of straightline boundaries in the Reserve Preservation Areas (RPA) is one of the items NOAA has promised in due process.

C. Navigating Change Education Program (Antonelis/Bell)

Troy Antonelis described the program as a collaborative education partnership with the Polynesian Voyaging Society (PVS) and multiple partners with lessons to learn from the NWHI, stating that Hokule'a is the messenger. The project blends culture, science, inspiration and hope, incorporating such values as malama, or caring for. Antonelis noted that due to safety concerns Hokule'a has not traveled up the entire chain in the NWHI, but has conducted statewide sails. He noted that in November a new teacher workshop will be started and the Patty Miller's Kid Science show will be broadcast nationally. Education videos and modules that tell stories of the Reserve will be available, stressing the message to bring the place to the people. Ann Bell noted that no one entity owns this product, as it is a collaborative effort among the USFWS, the State Department of Education, Bishop Museum, PVS, and represents the grassroots effort in preparing for Hokule'a's voyage in perhaps 2004. Bell described the teacher workshops including one on each island for the next four months, blending science and culture. There will be teacher websites ([www.navigatingchange.org](http://www.navigatingchange.org). and [www.hawaiianatolls.org](http://www.hawaiianatolls.org)) and audio video conferencing at certain schools to demonstrate restoration efforts in navigating change.

D. Hokule'a Huaka'i (Tachera/Blankenfeld)

Wilhelm, crew member of the Hokule'a on its cultural protocol voyage to Nihoa, introduced Noelani Tachera, cultural practitioner with the Bishop Museum, and Bruce Blankenfeld, a volunteer with PVS since the 1970's, both who have trained for two years for this trip. Blankenfeld stated that having sailed to all the corners of the Polynesian triangle every voyage is inspiring and has a theme. A long-distance sea voyage is very dangerous, so one must weigh the risks with the values to be gained. Training on classroom education and learning about navigating change was done with Ann Bell once a week. The voyage to Nihoa was made in conjunction with the cultural group. Alex Wegmann of the USFWS monitored the biological protocols. This information was gathered and brought back to the broader public. What it means to the larger community is growth and awareness and breaking new ground, the true nature of discovery. He noted that he is very excited about expanding this process.

Tachera described the process of training within this cultural group and mapping out the appropriate practices. Members of the group were selected from each island except the island of Ni'ihau. This began by traveling to seven of the inhabited islands and training with the different changes from the treasure chest of past histories, gathering cordage, or kaula, from the islands, including plants from Kaho'olawe, as it was very important to show something representative of all the islands. Cultural traditions and chants of each island were also learned. Pictures were shown on the overhead projector.

Schug asked if synthesizing biological with cultural practices is something that can be applied down the road. Tachera stated that without a doubt as that is a part of who we are in a continuous state. Schug also asked if the scientists would use as much and learn to adopt the cultural side? Blankenfeld noted that what we do is very different and unique, and that Wegmann became a part of the ohana and crew.

Grabowsky asked if the way this information is shared with the public to be the appropriate way or are there other ways such as bioregional education in college curriculums to students moving here, or an educational effort through the RAC, asking if this would be done in the Sanctuary. Blankenfeld noted that a large community of partnerships which include educating teachers and documents on both scientific and cultural aspects. Tachera noted that discussions on educational and cultural aspects are ongoing. Aila asked that as a Hawaiian navigator what did you bring back from the voyage. Blankenfeld noted that seeing the difference in the island, a place that has been minimally impacted by humans, how integral it is in the concept of navigating change, and that there is so much more to learn.

A 15-minute break was called. The group reassembled at 10:30 a.m.

### III. SANCTUARY DESIGNATION: Review and Next Steps (Wilhelm/Lindelof/Corson)

Wilhelm introduced this segment and explained that following this review, members would break into small groups for discussion of material that is process oriented, and that which will be presented in interim subcommittees. This information will be useful in providing information on where we go from here.

Wilhelm then led the group through details of the steps and current timeline for the sanctuary designation process, starting with the citations of the NMSAA of 2000 and the EOs that require NOAA to initiate a process to designate the NWHI as a National Marine Sanctuary, its primary purpose being to enable more comprehensive and coordinated management of the area. Step 1, which has been completed, included “Scoping” whereby 10 public scoping meetings were held in April 2002. As a result, over 12,000 public comments were compiled and analyzed. Step 2 involves “Issue Review and Prioritization”. Under this step, public comments will be reviewed and issues prioritized, which information will then be used to develop the draft EIS and develop action plans and strategies to address priority issues. This process is now underway, concurrent with the remaining Step 3, which is to “Develop a Draft and Final EIS and Management Plan.” This step includes the development of a range of potential management alternatives, including a preferred alternative. A management plan will be developed for the preferred alternative which will describe boundaries and regulatory provisions, set priorities, and contain action plans to address priority management, enforcement, research, and education needs.

The timeframe for designation as set forth in the NMSAA 2000 is October 2005. Key dates include: (1) Aug – Nov 2003: Meet with fishing discussion groups on issues

related to fishing; (2) Jan 2004: RAC review results of fishing discussion groups; (3) Mar 2004: Opportunity to draft fishing regulations for the proposed Sanctuary/120 day development period begins; (4) July 2004: WPRFMC to provide NMSP with draft regulations; (5) August 2004: RAC review of DEIS/DMP; (6) November 2004: Public review of DEIS/DMP; (7) June 2005: Public review of FEIS/FMP; (8) October 2005: Notice of effective date of regulations issued; complete designation process.

Discussion regarding the interim subcommittees ensued. Public scoping comments from the ROP have been addressed. There is a need to work with the RAC to identify other issues. As an issue-based approach this process will identify comments as to whether it is an issue of priority to be addressed by the RAC or working groups, or not. Working groups will need to be a little different. This is not a weighing but a review of the applicability and accuracy of comments. The key work is not to lose these issues.

Sean Corson then provided a description of the Western Pacific Regional Fishery Management Council's (WPRFMC) consultation regarding regulatory advice and recommendations on fishing, starting with a summary Section 304(a)(5), in which is stated, "The Secretary shall provide the appropriate Regional FMC with the opportunity to prepare draft regulations for fishing...as the Council may deem necessary to implement the proposed designation." Corson noted that the NMSP will provide WPRFMC the opportunity to draft fishing regulations for the proposed sanctuary and that WPRFMC will have 120 days to prepare draft regulations, and that draft regulations will be based upon 301(a) of the Magnuson-Stevens Act as consistent with the purposes and policies of the NMSA and the goals and objectives of the proposed designation in the NWHI, and noted that the NMSP will issue the regulations under the NMSA. Corson then presented a summary of the NMSA purposes and policies. This was followed by a discussion on the timetable and progress of fishing discussion groups (FDGs). The purpose of the groups is to develop regulatory advice and recommendations for WPRFMC in cooperation with partner agencies, RAC, and regional experts to ensure compatibility with the NMSA and the proposed designation, discussions to take place between August and November of 2003. These meetings are convened by Sustainable Resources Group International, Inc. (SRG) in its role of providing studies and information on the development of alternatives to NOAA as required under the National Environmental Policy Act (NEPA). Topic areas of the FDGs are: pelagic/recreational; subsistence; precious coral; bottomfish; pelagic; crustacean; zoning. These topics are drawn from the EOs, scoping comments, and fishing management plans (FMP), relevant to fishing regulations in the NWHI. Next steps include: SRG will develop a range of alternatives based on the fishing discussion group outcomes and provide them to NMSP. NMSP will provide the RAC with the range of suggested alternatives for deliberation and input; the RAC will deliberate and provide NMSP with its advice and NMSP will provide advice and recommendations to WPRFMC and begin the 120-day drafting period.

As noted, designation next steps include: (1) Nov-Dec 2003: Work with RAC leadership and/or subset of the RAC between now and the next RAC meeting to review outcomes of fishing discussion groups and vision/mission/goals and objectives (VMG&O); (2) Jan 2004: RAC review of FDG alternatives and recommendations to NMSP; (3) Jan-March

2004: Work with RAC on issue prioritization and consolidation and compare priority issues with current strategies and activities in the ROP; and April-August 2004: Develop draft management plan. The presentation continued with draft statements for vision, mission, management principles, and goals. It was noted that the EO will interface with the NMSA, and that the WPRFMC needs to be consistent with the EO.

In response to a question as to how SRG was selected, R. Smith stated that funds came from FY '02 allocations. The Western Administrative Support Center (WASC) of NOAA considered SRG, along with others. Headquarters selected SRG on a General Services Administration (GSA) schedule. Schug asked if the discussion groups are to take the results of the discussion, e.g., a fishery management designation, to see how it is consistent with the EOs. Corson stated that they were considering something broader, specifically at the Reserve, which can be considered in the sanctuary designation process that may or may not be considered by the EOs. A lot of the members have sat on the discussion groups. Wilhelm noted that the expertise of scientific groups, as well as the RAC's position, and advice by user groups can and do bring different perspectives to the table. She stated that all alternatives will be in the NEPA process, and that there is a need to look at what is currently on the table.

Paul stated that the fishery management regime in State waters differs from that in Federal waters, which allow commercial catch outside the 10 fathom line of Nihoa, and stressed the need to work with the State earlier rather than later. Schug stated that in a sense the RAC would be advising the WPRFMC on what we think their regulations would be, and that the staff would be advising the RAC. Wilhelm noted that it would be the RAC that would be advising the staff. Lindelof stated that the RAC would be drafting regulations for the sanctuary program relating to fishing activities as the advisory body to the sanctuary program. Johns asked if the RAC would have a chance to comment on the regulations that the WPRFMC drafts. Lindelof stated that at the August 2004 meeting the RAC would be asked for its review and recommendations. Achitoff stated that SRG is putting out alternatives that are going to the RAC. Corson stated that it is being worked on now and will be received by staff, forwarded to the RAC for review and recommendation, returned to staff for finalization and then on to the WPRFMC. Achitoff asked if SRG is going to put out a preferred alternative? Corson stated that SRG was hired to develop advice and recommendations, provide a synthesis and service for information, noting that their expertise is to provide guidance and a framework. Corson stated that a list of researchers and persons who have been consulted will be available on the website. Lindelof stated that there is a long way to go and involves working with the RAC, and that once it goes to the WPRFMC in accordance with the NMSA it will be up to them as to how it is handled. Lindelof stated that the process of setting up groups to glean perspective information on issues is very typical. In this case a consultant was hired.

Wilhelm explained the process of breaking into small groups of four to refine the draft vision, mission, principles, goals and objectives. Results will provide initial feedback for the staff to work on. Next steps are to work with the RAC between now and the next

RAC meeting and to set a RAC meeting agenda to enable a full body to be able to analyze this information in January 2004.

At 11:45 a.m. R. Smith called for a break for lunch. Upon reassembly reports of the subgroups were given, as follows:

Group 1: Kem Lowry/Don Palawski/Alan Everson/Don Schug/Andy Collins: It was suggested that at the end of Mission add "...as reflected in the EO." If not practical, start with "We shall..." On Principles, #2, definition of Precautionary Principle is needed in how it applies to this document. The group talked about reordering guiding principles so that it numbers 1, 2, 3, 4, 7, 6, 5, 8. Goals 4 to 7 gives reference to uses. It was suggested that uses be "allowed" rather than "consider to allow", and that goals and objectives be laid out in a matrix.

Group 2: William Aila/Marcia Hamilton/Linda Paul/Paul Achitoff/Sean Corson: Area of contention is to balance the EO with the NMSA regarding sustainable use. Under Vision, replace the words "remain intact" with "restore integrity." Guiding Principle No. 6 needs clarification. Fishing caps should be as expressed by the EO with perpetuity of permits. Goals were reordered by moving Goal 4 to 3 and Goal 6 to 2. The regulations that the WPRFMC will be developing need to be consistent with goals and objectives. Goals and/or objectives need to clearly reflect that the proposed sanctuary manage fisheries consistent with the fishery management language of the EO.

Group #3: Lloyd Lowry/John Muraoka/Gary Dill/Gail Grabowsky: Regarding impacts on the ecosystem include an array of human activity including restoration activities. This group wrestled with the question on where's the ground between no fishing and sustainable fishing.

Group #4: Members of the Public

The public group went over details in reviewing how important the wording should be on the Goals and Objectives. An aspect of concern is where the money is spent before it is spent.

R. Smith asked if there were any further comments. Achitoff asked what the process would be for compiling this information for review by the RAC. Wilhelm stated that this information would be refined at the January 2004 RAC meeting.

#### IV. PUBLIC COMMENT

R. Smith recognized the following that signed up for public comment: Isaac Harp, Cha Smith, Jessica Hamilton, Gary Dill, and Stephanie Fried.

Harp requested an update from USFWS on the oil spill that occurred earlier this year. He iterated that the EO does not state to designate the sanctuary, but rather to initiate the process. Harp stated his concerns about the issue base approach and not weighing a number of comments. He noted that a majority of groups participated in discussion

groups and that there is a need to continue with small working groups rather than with subcommittees.

C. Smith stated there is a need to make sure the law is reflected in the sanctuary process. January 2004 is too long a time to wait and would like to see a recommendation from the RAC to form a working group to address this.

J. Hamilton emphasized that this document be a number one priority and encourages the RAC not to accept any protection that is less than what is in the EO, as it should be built upon and not deflected from. She commented that the Ocean Conservancy would work with the RAC.

Dill asked if it is a monument that is wanted or is it use? He noted that the fishers are the primary users today and asked that the new Council determine the principle that started this whole process.

Fried commented on the issues list and noted that in December a tremendous amount of comments were left out. The RAC was told that these areas would be corrected and brought back to the RAC. There were 11,000 comments, none of which are on the issues list and stated that it is hard to know if the consultant was given the raw data in its entirety or not.

## V. FINAL NOMINATIONS FOR RAC OFFICERS

Wilhelm reported that the following nominations have been submitted and that additional names may be added:

Nominees for Chair:

Tim Johns  
Linda Paul  
Cindy Hunter  
Bill Gilmartin,  
William Aila (Declines)

Nominees for Vice Chair:

Linda Paul  
William Aila  
Cindy Hunter  
Gail Grabowsky  
Bill Gilmartin (Declines)  
Paul Achitoff (Declines))

Nominees for Secretary:

Linda Paul (Declines)  
Cindy Hunter (Declines)  
Kem Lowry (Declines)

Paul Achitoff (Declines)

Wilhelm noted that election packets would be mailed out that will include a statement by nominees as to why they are willing to serve. Results should be known by the 18<sup>th</sup> of November.

## V. NEW BUSINESS

- A. USFWS Report. Don Palawski provided a handout to all members that includes the mission statements of the USFWS and the National Wildlife Refuge System (see Binder Tab 3). He noted that the date of establishment goes back to 1909 when President Theodore Roosevelt enacted EO 1019 protecting the islets and reefs of the NWHI as the Hawaiian Islands Reservation for Protection of Native Birds in the Territory of Hawaii. Much of this area is now managed by the USFWS as the Hawaiian Islands National Wildlife Refuge and the Midway Atoll National Wildlife Refuge. An EO in 1996 transferred control of Midway from the Navy to the USFWS, and in addition two laws are in place that govern how the Refuge is managed. There are regulations and use permits on how activities are monitored. USFWS accepts proposals and asks questions as to purposes for entering the Refuge six weeks in advance. Fifteen special use permits are issued for various types of activities, including conservation, education, still photography and a native Hawaiian cultural trip. Palawski reported on the status of the oil spill at Midway, stating that the clean up is done according to EPA standards. There is a continuous pumping system. Process includes removing the fuel-taking incinerator to burn excess fuel and will continue to take the soil and expose it to sunlight. He noted that supplementary funds are available to keep Midway open until November. It is hoped that Congress will act to permit operations at Midway to continue. The use of Midway as a commercial airstrip was needed and used in September for an L-1011 landing, as Johnston and Wake are also closing.
- B. WPRFMC Report. Marcia Hamilton noted that a report of the WPRFMC was distributed to all members. Included are status reports on the coral reef ecosystem fishery management plan, the Sustainable Fisheries Act amendments, and the draft environmental impact statement for bottomfish and seamount groundfish fisheries of the Western Pacific Region. Also noted were the following upcoming WPRFMC events: (1) a Coral Reef Fish Stock Assessment Workshop scheduled for February 10-13, 2004 in Honolulu. (A similar workshop for bottomfish will be held on January 13-15, 2004); and (2) a Northwestern Hawaiian Islands Science Symposium, April 5-9, 2004, at the Hawaii Convention Center. An information format for abstract topics for submittal to the symposium steering committee is included with the report.
- C. State of Hawaii Report. Athline Clark introduced Dr. Greta Aeby of the State Department of Land and Natural Resources (DLNR), Division of Aquatic Resources, who is part of the State team that is working closely with the Reserve and other agencies on the NWHI. Reporting on the NWHI Marine Refuge public hearings scheduled for November 2003, Clark noted that the public hearing notice for proposed rules to create the NWHI Marine Refuge has been provided to all members (see Binder Tab 3). This



has been posted in newspapers and websites. The schedule is on the back table. There is a need to acknowledge consistencies with capitalization. Clark noted that a 45-day comment period follows, and that DLNR looks forward to getting comments on the proposed regulations.

Gilmartin asked about the status of the MOA with the State, the U. S. Department of the Interior (DOI), and NOAA. Clark and Palawski stated that the document calls for promoting coordinated management in the NWHI with the aforementioned parties. The document was presented in a final draft through agency clearance and reviewed by respective attorneys general who made comments, as well as solicitors in DOI. At the present time they are trying to find out what the status is in Washington, D. C.

Reports from NMFS and the USCG scheduled for presentation at this time have been deferred to the next RAC meeting.

## VI. ACTION ITEMS

- A. Motion: To accept January 21-22, 2004 as the next RAC Meeting and the following meeting dates as the tentative 2004 RAC Meeting Schedule subject to review by the new leadership.

Unanimously approved.

March 1-2

April 19-20

July 19-20

October 18-19

R. Smith stated that the RAC meetings are a reasonable way to receive input regarding sanctuary designation and asked how this body may be better organized to provide information to the RAC between advisory meetings. Lindelof stated that there is a tendency to lose sight of its function and stated that he is very impressed with the RAC. He further stated that as representing the public, the RAC's purpose is to act as a liaison with people of similar perspective views from the RAC to staff, and staff to the RAC, and the RAC to NOAA.

R. Smith noted that since the RAC is on a schedule to carry out sanctuary designation, would a structure between these scheduled meeting be needed. Schug asked if this would be specifically to address the ROP. R. Smith stated that the next opportunity for the RAC to review recommendations for the ROP would be during the comment period to the ROP. If for some reason it is not the case an emergency meeting will be called. Johns stated that the RAC should be ready to think how it is going through the review. Paul stated that the RAC needed to know which working groups are returning. Johns noted that the following are vacant: Culture, Regulations, Research, Enforcement, and Tourism. Returning are: Education (Hunter) and Fishing (Achitoff). Paul noted that given the functional working groups perhaps it is time to review better administrative structure as most of those are not working. Johns stated that two issues are apparent, namely, what is the RAC going to do with the ROP review and the subgroups that are going forward. He asked if newly created groups would be utilized. R. Smith stated that there is a 30-day public comment period and that there is every indication the ROP is

going to be largely unchanged. The process of cross walking changes may or may not be arduous. R. Smith stated that the next draft of the ROP would be available to everyone.

Schug asked how the information from the fishing discussion groups would be submitted to the RAC. Wilhelm stated that staff would like to be able to have RAC input between now and the next RAC meeting by a group that would act with staff before it became a full body. Achitoff asked if this is a specific request for a group to review what comes from SRG and staff. R. Smith stated the urgency of having some standardized feedback mode driven by the sanctuary designation schedule is now.

Wilhelm stated that the immediate issue is that this would be the only time this body would be needed. Even with the nine meetings scheduled, there's going to be work necessary in between RAC meetings to allow the NMSP to seek the advice of the RAC. Achitoff asked whether or not to establish a group that will have the same membership to address every issue that may come up. Hunter suggested staff send an email to the RAC members. Paul stated there are two needs. As far as the objectives were concerned a committee of members who volunteer is one function. An executive committee composed of officers and heads of standing committee to give feedback in between meetings is another. K. Lowry said that he would prefer that officers serve as an executive committee who would be responsible for putting together adhoc committees to get participation. McIntosh stated that the HIIWNMS does have an executive committee, with officers, managers and chairs of subcommittees for various purposes such as education, research, conservation. Working groups were also created. McIntosh stated that the executive committee agrees on a work plan for the SAC and this year is planning a retreat with the entire SAC. Johns indicated that most immediate is input on the Mission statement and Fishing Group and a way to do this is to create those adhoc committees. This led to the following motion:

- B. Motion: To request volunteers to serve on the Mission Statement and Fishing Issue Adhoc Committees.  
Proposed by: Tim Johns  
Unanimously carried.

The following volunteered to serve on the Mission Statement Adhoc Committee:

Carol Wilcox; Linda Paul; Kitty Courtney; Don Schug; Gary Dill; Marcia Hamilton

The following volunteered to serve on the Fishing Issues Adhoc Committee:

Gail Grabowsky; Cindy Hunter; Gary Dill; Marcia Hamilton; Don Schug; Paul Achitoff; Linda Paul; Kitty Courtney; Buzzy Agard; Carol Wilcox.

Wilhelm stated that if between now and January another issue beyond Mission and Fishing arises, would the RAC want to convene additional adhoc committees. This led to the following motion:

- C. Motion: To authorize the three elected officers to meet unanticipated needs for

for additional adhoc committees.  
Proposed by: Kem Lowry  
Seconded by: Laura Thompson  
Carried by majority vote.

Comments that there be no preferred alternative, just a list of alternatives, ensued. Johns asked if the RAC wanted to take action for a recommendation to be directed to SRG. This led to the following motion:

D. Motion: To recommend to SRG not to prioritize the alternatives.  
Proposed by: Linda Paul  
Seconded by: Cindy Hunter  
Carried by majority vote.

Johns urged the RAC to participate in the State's public hearings regarding proposed rules to create the Northwestern Hawaiian Islands Marine Refuge as individuals and as such submit statements. Johns asked staff to distribute detailed information to the RAC.

## VII. ADJOURNMENT

There being no further business the meeting adjourned at 4:30 p.m.